

FARMINGTON CITY PLANNING COMMISSION

Thursday, April 24, 2008

COMBINED PLANNING COMMISSION/CITY COUNCIL STUDY SESSION

Present: Chairman Kevin Poff, Commission Members Rick Wyss, Paul Barker, Randy Hillier, Craig Kartchner, Steven Andersen, Alternate Planning Commission Member Jim Young, City Planner David Petersen, Mayor Scott Harbertson, City Council members David Hale, Sid Young, Paula Alder, Rick Dutson, Cory Ritz, City Engineer Paul Hirst, City Attorney Todd Godfrey, City Recorder Margy Lomax, Recording Secretary Kami Mahan, and Traffic Engineer Tim Taylor.

Master Transportation Plan Update

Mayor Scott Harbertson called the meeting to order at 5:30 p.m. and invited Traffic Engineer **Tim Taylor** to present findings on Phase 1 of revising the City's Master Transportation Plan.

Mr. Taylor displayed a map of the existing network of roads with their classifications, including Highway 89 and the I-15 freeway. He pointed out the location of current and future prospective development in the Station Park area, and noted that Park Lane is the central interchange for the entire city of Farmington.

Mr. Taylor explained how the traffic situation was evaluated, and added that this assessment did not include future growth of Farmington or existing traffic from residential neighborhoods or county facilities. A detailed review of potential realignment scenarios and their impact were reviewed in detail. **Mr. Taylor** answered questions from Commission and Council members on the study's findings, and stated that the conclusion of the study was that this corridor is at or near maximum capacity. However, certain regional improvements may accommodate or increase capacity.

Key Issues/Study Findings -

1. Re-striping of Park Lane with the opening of Legacy Highway will provide a substantial capacity improvement (September).
2. Park Lane south of Station Park access is crucial to accommodating proposed developments north of Park Lane.
3. The realignment of Park Lane/Clark Lane is necessary to accommodate additional signalized access on Park Lane.
4. Timing of development is a key factor. Analysis represents full build-out/occupancy.

5. Existing transportation network cannot support full build-out based on existing zoning/development plans.
6. Station Park development/commuter rail traffic will utilize a significant proportion of available Park Lane capacity.

**FARMINGTON CITY - (PUBLIC HEARING): CONSIDERATION OF A
RECOMMENDATION TO AMEND CHAPTER 39 OF THE ZONING ORDINANCE
REGARDING HISTORIC BUILDINGS AND SITES. (ZT-11-07) (Agenda Item #4)**

David Petersen distributed information on legislation of historic districts, and reiterated the Commission's previous concern of whether homeowners can be included on an historic register without their knowledge or consent. **Mr. Petersen** reviewed details of the updated Chapter 39 Ordinance with respect to historic designation.

Todd Godfrey said he last reviewed the Ordinance several months ago, and he explained his disagreement with the proposed language in the document because of the likelihood of legal challenges. The Commission discussed this issue, and the topic of creating incentives for homeowners to be included on the register.

The meeting adjourned at 7:00 p.m.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Kevin Poff, Commission Members John Bilton, Paul Barker, Rick Wyss, Randy Hillier, Craig Kartchner, City Planner David Petersen, and Recording Secretary Kami Mahan. Alternate Jim Young replaced Steve Andersen on the Commission.

Chairman Poff called the meeting to order at 7:10 p.m. **Rick Wyss** offered the invocation.

APPROVAL OF MINUTES (Agenda Item #1)

Craig Kartchner moved to approve the minutes of the Planning Commission meeting held April 10, 2008. The motion was seconded by **Randy Hillier**, and was unanimously approved. **John Bilton** abstained due to his absence at that meeting.

CITY COUNCIL REPORT (Agenda Item #2)

David Petersen reported the proceedings of the City Council meeting which was held on April 15, 2008. He covered the following items:

- The City Council adopted the Ordinance amending the City's General Plan to establish a neighborhood park in the vicinity of the Farmington Ranches Subdivision.
- The City Council entered into a Neighborhood Park Agreement with the Farmington Ranches Homeowners Association and accepted Warranty Deeds regarding the park property.
- The City Council considered Amendment #3 to the Farmington Ranches Development Agreement.
- The City Council approved the amendment to Conservation Easements for Phases 1, 2, and 3 of Farmington Ranches Subdivisions and the Farmington Ranches East Subdivision.
- The City Council approved the Plat Amendments subdividing Parcel "G" of Phase 3 and Parcel 4A of Phase 4 in the Farmington Ranches Subdivision
- The City Council adopted new Conservation Easements for Phases 4 and 5 of the Farmington Ranches Subdivision.
- The Ordinance to rezone Dwight Poulson's property from "A-F" to "LR-F" was approved by the City Council.
- The City Council approved Richard Lindsley's request for a waiver of Conservation Subdivision Standards, subject to preliminary plat approval from the Planning Commission.

DWIGHT POULSON (PUBLIC HEARING): APPLICANT IS REQUESTING APPROVAL FOR A FLAG LOT SUBDIVISION BY METES AND BOUNDS DESCRIPTION OR A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A MINOR SUBDIVISION PLAT. THE PROPOSED LOT SPLIT IS KNOWN AS POULSON PLACE 2. THE SITE IS LOCATED AT 1268 NORTH MAIN STREET (Z-1-08, S-4-08). THE APPLICANT HAS ALSO SUBMITTED A REQUEST FOR WAIVER OF THE CONSERVATION SUBDIVISION STANDARDS FOR THE PROPOSED FLAG LOT IN THE LR-F ZONE. (Agenda Item #3)

Background Information

General: The application is for a lot split flag lot on property approximately 0.68 acres at 1288 North Main Street. The subject property and the property directly adjacent to the north are owned by Dwight Poulson. The request is for a flag lot subdivision and would create two properties from one property with access for the flag lot along a private driveway. The existing home on the original lot would remain and a new lot created behind. The applicant recently requested and was granted a zone change for a portion of the subject property from the A-F zone to the LR-F zone.

The application for a flag lot may be approved several ways. The first is for a metes and bounds lot split. This would not require a minor subdivision plat and the planning commission may approve a metes and bounds description as is proposed. The second is by way of minor subdivision plat approval. This would require engineering and survey work necessary for platting and recording of a property. The planning commission may approve a schematic plan at this point if it feels the lot split is appropriate. The request would then continue through the minor subdivision plat process.

Waiver: The applicant has also requested a waiver to the Conservation Subdivision requirements as this is a small, infill development. The planning commission may recommend approval of a waiver to the city council if it feels that a waiver is appropriate.

END OF PACKET MATERIAL

Chairman Poff introduced this Agenda item. **David Petersen** displayed an overhead map of the property and pointed out the location of the flag lot. He reviewed each of the possible motions that could be made by the Planning Commission and explained the alternative configurations of the proposed lots.

Applicant **Dwight Poulson** and **David Petersen** answered questions from the Commission regarding property access, curb cuts, and the procedure for approval. **Mr. Petersen** distributed a sheet containing two potential designs for the property, and explained each of them with respect to fire department approval.

Mr. Petersen distributed pictures of the property and the Commission discussed the wetland area which is fed by a stream in the Hidden Meadows Subdivision. **Mr. Petersen** said City staff is recommending drainage easements be placed on the back lot line of the property.

Public Hearing Opened

Chairman Poff opened the public hearing at 7:30 p.m. There were no forthcoming statements from the public, and **Mr. Poulson** was invited to comment.

Mr. Poulson stated that **David's Petersen's** presentation had been sufficient and that his concern was moving forward on the project as quickly as possible.

Public Hearing Closed

Chairman Poff closed the public hearing at 7:31 p.m. and turned the matter over to the Commission for their consideration.

David Petersen answered questions from the Commission regarding curb cuts, zoning, and the current and potential configuration of the property. **Mr. Poulson** explained that he would redesign his driveway to dead end into the new road.

Chairman Poff pointed out concern with traffic safety on Main Street, and the recent requirement for developments to avoid rear backing onto this street. This proposal would eliminate one backout and the curb cut would be moved.

John Bilton stated that he walked the area, and believed that because of topography and other considerations the proposed Schematic Plan and recording a plat was the best alternative.

Motion

Rick Wyss moved that the Planning Commission recommend Schematic Plan Approval of the proposed lot split, together with a waiver of the conservation open space requirement, subject to the following conditions:

1. The applicant shall continue to work with staff to create a minor subdivision plat;
2. The proposal shall meet all applicable requirements of the flag lot ordinance;
3. The stem of the flag lot shall be a shared access for the flag lot and the original lot remaining after the lot split;
4. That the Fire Chief's requirements must be met for access and turn-around areas; and
5. That a 20' drainage easement abutting the entire length of the eastern boundary of the proposed flag lot must be granted by the City.

John Bilton seconded the motion, which passed unanimously.

Findings:

- a) The narrow parcel east of the site is steep (it was an embankment for the old Bamberger right-of-way) and now it is common area for the Hidden Meadows subdivision. For these reasons access to Hidden Meadow Way is impractical and the parcel cannot be subdivided any other way.
- b) The subdivision is in keeping with the General Plan's low residential densities;
- c) The proposed lot split meets all of the requirements of the flag lot ordinance as well as metes and bounds lot split and the schematic plan approval standards for a minor subdivision plat.
- d) The proposed schematic subdivision is in keeping with the character of the surrounding area.
- e) The proposal improves the safety on Main Street due to the elimination of back-out driving.

FARMINGTON CITY - (PUBLIC HEARING): CONSIDERATION OF A RECOMMENDATION TO AMEND CHAPTER 39 OF THE ZONING ORDINANCE REGARDING HISTORIC BUILDINGS AND SITES. (ZT-11-07) (Agenda Item #4)

Chairman Poff introduced this Agenda item, and turned the time over to **David Petersen**, who referred to the updated Chapter 39 Ordinance in the packet regarding historic buildings and sites. He said the text change refers to a list of Historic Sites with a designation of "A" or "B," and the Landmark Register, but there is not a reference to bonafide districts. It is important to have a high percentage of citizens in favor of establishing an historic district.

Mr. Petersen distributed a copy of the April 24, 2008, cover letter and Chapter 39 Ordinance from **Alysa Revell**.

[**Mr. Petersen** left the meeting temporarily to attend the Special City Council meeting being held in another room. **John Bilton** also left the meeting momentarily.]

Chairman Poff invited a representative of the Farmington Historic Preservation Commission to address the Planning Commission.

John Anderson presented an overview of the efforts of the Historic Commission to revise the Chapter 39 Ordinance to address past and current concerns of the City. **Mr. Anderson** reviewed a portion of the State of Utah's Declaration of Legislative Intent.

Public Hearing Opened

Chairman Poff opened the public hearing at 7:45 p.m.

Camille Marx, 305 East State Street, stated that she is restoring her fourth historic home. She expressed concern that Farmington has no protections in place to prevent her neighbors from developing their property in a way that could negatively impact the property value and historical significance of her home. **Ms. Marx** also raised concern over the future of historic buildings such as the County Courthouse. Lack of protection of buildings can result in diminishing the historical nature of the community.

Alysa Revell of the Historic Preservation Commission said that historic preservation is a key element in the City's visioning plan. No ordinance is in place to protect historic resources. The protection of an ordinance will help people feel secure in moving into historic areas without concern that they could become low rent districts. The proposed text changes take into account input from City staff, the Mayor, the City Attorney, the Planning Commission, and the Utah State Historic Preservation office. The Ordinance supports the goals and policies of Farmington City.

Public Hearing Closed

Chairman Poff closed the public hearing at 7:52 p.m. and opened the matter up to the Planning Commission for discussion.

Mr. Poff said that it was still unclear whether homeowners can have their home put on a list without their knowledge or approval. **Alysa Revell** explained the approval process, and said it is safer legally to have recommendations made by the City Council. There is a question nationally whether an owner can legally give consent. The purpose of the legislation is to protect the resources of the community. An owner giving consent is taking the legislative power that should belong to the City, and cities generally do not do this.

Chairman Poff said that in a previous meeting, the Commission was instructed that federal and state laws limiting property rights tended to be upheld, but City laws were usually not. **Ms. Revell** said a study by the National Alliance for Preservation had shown that 15 percent of legislative preservation commissions had been sued, but very few lawsuits were successful. Those that won were due to procedural issues. The

question is whether due process was followed. It has already been established that cities have the right to enact legislation.

Paul Barker raised concern regarding page 5, paragraph (3) of Section 11-39-40 of the Ordinance, concerning property owners having the ability to consent to designation. He pointed out that in the Study Session City Attorney Todd Godfrey had expressed reservations on this issue. It was suggested that restrictions could be justifiable if owners are fully informed of them from the beginning of the process.

David Petersen said that the Historic Commission had repeatedly been unclear on the question of whether individual homes can be included on registers without owners' knowledge and/or approval. The Commission discussed this issue.

John Bilton commented that there is due process because the City Council grants or denies designation. He said there is concern about notification of property owners to participate if they so desire. The Planning Commission has traditionally required developers to spend money to preserve historical structures.

The issue of incentives for owners to participate in historic preservation was discussed. **Ms. Revell** said the incentives included prestige, resale value, and available tax credits for homes listed on the National Register. The work involved for inclusion on the National register is the same as for the local register.

David Petersen raised scenarios that could be troublesome, such as owners having the ability to withdraw from inclusion, or a listed property being sold to a new owner who did not want to participate. **Ms. Revell** said that an owner consent requirement will not create an effective ordinance, and that owners' actions affect the entire City.

There was a discussion with respect to the criteria used by the Historic Commission to determine registry designation. Further review needs to be carried out by City Staff to determine if the City's standards are consistent with the approach of other cities.

Alysa Revell suggested that the City retain a Provo attorney specializing in historic preservation to assist with the review of the Ordinance text. The Historic Commission has a CLG (Certified Local Government) grant, and \$4,000 set aside for consultation fees. The Commission agreed that the review by the Provo attorney could be done in conjunction with Farmington City Attorney Todd Godfrey.

[**Randy Hillier** left the meeting at 8:30 p.m.]

Motion

John Bilton moved to table this item for three weeks to allow City staff time to further consider the proposed ordinance, and to consult with an attorney specializing in historic preservation. The motion was seconded by **Rick Wyss**, and passed by a unanimous vote.

Chairman Poff asked what buildings would be considered by the Historic Commission for inclusion on a registry, and **John Anderson** replied that the Haight Hotel, the County Courthouse, Rock Mill, and public use buildings with deep historical significance have all been considered.

DISCUSSION OF RESIDENTIAL HOUSING DENSITY DESIGN BY AMERICA WEST. (Agenda Item #5)

Chairman Poff introduced this Agenda item. **David Petersen** said that due to concern by the Planning Commission with regard to housing density, a committee was established to consider this issue as part of a zone text change. He said the developer is aware of the concern, and he invited the representatives of America West developers to address the Commission.

America West developer **Ron Martinez**, 5019 Skyline Drive, Salt Lake City, introduced **Paul Bringham** of Stantec Consulting, who displayed a slide presentation explaining residential housing density.

[**Rick Wyss** excused himself from the meeting at approximately 8:45 p.m.]

Adam Paul, 9140 South State Street, Salt Lake City, displayed slides of other America West developments, including Alliance Residential communities. He said top quality materials are used in construction, and since their goal is long term management it is in their best interest to build a quality development.

In response to a question by **Chairman Poff**, **Mr. Paul** said the break-even point for walking and driving is one fourth to one half a mile.

Ron Martinez said that this parcel represents a 30 million dollar investment, and he has assembled the best professional team possible. The end user of the land must also add value to the development.

MISCELLANEOUS, CORRESPONDENCE, ETC. (Agenda Item #6)

- a. **Hidden Meadow retaining wall and hillside cut report; and**

David Petersen displayed a map of the Hidden Meadows Subdivision and said that he, Steve Andersen, **Jim Young**, and **Paul Barker** examined the area and were all in agreement with the developer's landscape proposal. The Commission agreed to accept the committee's recommendation.

b. Other

Mr. Petersen announced that the Open House for the Frontrunner Grand Opening is at 10:30 a.m. on Saturday, April 26th, and he distributed tickets for the event to the Commissioners.

ADJOURNMENT

John Bilton moved to adjourn. **Craig Kartchner** seconded the motion, which passed unanimously. The meeting adjourned at 9:25 p.m.

*Kevin Poff, Chairman
Farmington City Planning Commission*